

FILED  
JUN 14 2010  
BANKRUPTCY COURT  
OAKLAND, CALIFORNIA

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8 UNITED STATES BANKRUPTCY COURT  
9 NORTHERN DISTRICT OF CALIFORNIA

10 In re: Case No. 09-72300 EDJ

11 MICHAEL JOHN MUHA and Chapter 13  
12 DEBORAH SUE MUHA,  
13 Debtors. ORDER VALUING LIEN OF WELLS  
FARGO BANK NA

14 Hearing Date: May 13, 2010  
Time: 3:30pm  
Room: 215

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17 On January 5, 2010, Michael and Deborah Muha (hereinafter  
18 Debtors) served a motion to value the lien of Wells Fargo Bank NA  
19 (hereinafter Lienholder) against the property commonly known as 3578  
20 Yacht Drive, Discovery Bay, CA 94505, which lien was recorded in  
21 Contra Costa County on or about February 10, 2004 as document  
22 004281000 (hereinafter the Lien).

23 The court finds that notice of the motion upon Lienholder was  
24 proper. Lienholder having withdrawn verbally its opposition to  
25 Debtors' motion, the court hereby orders as follows:  
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(1) For purposes of Debtors' chapter 13 plan only, the Lien is valued at zero, Lienholder does not have a secured claim, and the Lien may not be enforced, pursuant to 11 U.S.C. §§ 506, 1322 (b) (2) and 1327. Lienholder shall nevertheless have an unsecured claim on the subject obligation of \$62,139 and relating to the Second Deed of Trust.

(2) This order shall become part of Debtors' confirmed chapter 13 plan.

13 (4) If Debtors' chapter 13 case is dismissed or converted to one  
14 under another chapter before Debtors obtain a discharge, this order  
15 shall cease to be effective and the Lien shall be retained to the  
16 extent recognized by applicable nonbankruptcy law, and upon  
17 application by the Lienholder, the court will enter an appropriate  
18 form of order restoring the Lien to its original status, less any  
19 credits for monies actually paid on the note secured by the Second  
20 Deed of Trust.

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(5) Except as provided by separate, subsequent order of this court, the Lien may not be enforced so long as this order remains in effect.

Approved as to form and content:

Dated: June 11, 2010

Law Offices of Austin P. Nagel  
By Austin P. Nagel  
Austin P. Nagel  
Attorney for Wells Fargo Bank,  
NA on Second Deed of Trust

So Ordered:

Dated: June 14, 2010

~~Hon. Edward D. Jellen~~  
~~UNITED STATES BANKRUPTCY JUDGE~~

\*\*\* END OF ORDER \*\*\*

COURT SERVICE LIST

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